

### **REMARKS**

Claims 1-24 remain pending in the application. No claims are amended by this response. The Examiner is respectfully requested to reconsider and withdraw the rejection in view of the remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Olszok et al. (U.S. 5,821,474) (hereinafter Olszok) in view of Itoyama et al. (U.S. 6,155,954) (hereinafter Itoyama). The rejection is respectfully traversed.

The Examiner's assertion that Olszok discloses a passive valve is simply contrary to common knowledge in the art. While Olszok's valve does not require a motor or manual actuation to operate, it is not a "passive" valve, due to the fact that it is actuated based on influences other than the mere pressure of the exhaust flow. The Olszok valve is "semi-active", in that its actuation is dependent upon sensed pressure relative to the atmosphere to yield a variable damping characteristic. This is precisely why Olszok teaches multiple diaphragm-separated chambers for monitoring the exhaust pressure and other pressures in the vehicle. See Olszok, e.g., at line 42 of column 3 to line 5 of column 4.

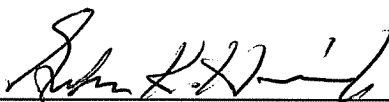
Furthermore, Olszok, at lines 5-18 of column 2, teaches away from using a passive valve with a non-standard or hybrid power source. There is simply no suggestion in Olszok of using a passive valve in the exhaust system of a vehicle such as described in Itoyama. Claims 1-24 are believed to be in condition for allowance.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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